

REMARKS

I. Amendments to the Claims

Claims 8 and 9 have been amended to clearly define the subject matter of the invention by deleting certain second active ingredients. No new matter has been added.

Claims 1-2, 5-7, 10, 12-24 and 26-32 were canceled by the previously filed amendment without prejudice. Applicant reserves the right to prosecute the subject matter of any canceled claims in one or more continuation, continuation-in-part, or divisional applications.

Claims 3-4, 8-9, 11, 25, and 33-39 are pending. Applicant respectfully submits that the pending claims are allowable for the following reasons.

II. The Written Description Rejection Should be Withdrawn

Claims 8-9 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to meet written description requirement. Applicant respectfully traverses this rejection.

Specifically, it is alleged that the terms of “hematopoietic growth factor, immunosuppressive agent, antibiotics, corticosteroid, immunomodulatory agent, or a pharmacologically active mutant or derivative thereof” are not supported by the specification. (Office Action, pages 3-4).

Although Applicant strongly disagrees with the Examiner’s allegation, solely to expedite the prosecution of the present application, claims 8-9 have been amended to delete the terms. Thus, the rejection is moot.

Therefore, Applicant respectfully requests that the written description rejection be withdrawn.

III. The Double Patenting Rejection Should Be Withdrawn

Claims 3-4, 8-9, 11 25 and 33-39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 3-4 and 7-13 of U.S. Patent Application No. 10/515,270. (Office Action, pages 4-5). Since


the rejection is provisional, Applicant respectfully requests that the rejection be held in abeyance until the claims are found otherwise allowable.

CONCLUSION

In view of the foregoing, all the rejections of the claims should be withdrawn. Reconsideration, entry of the above amendment and remarks, and allowance of the pending claims are respectfully requested. Should the Examiner not agree that all claims are allowable, a personal or telephonic interview is respectfully requested to discuss any remaining issues and to accelerate the allowance of the above-identified application.

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